HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 34202 of 1997

Between

Confederation of East Godavari Consumer Organisations represented by its Chair Person Smt.B.G.Rama Devi ..Petitioner

AND

The General Insurance Corporation of India represented by the Officer Incharge and others ..Respondents

:: JUDGMENT ::

7.3.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 34202 of 1997

This writ petition has been instituted by the Confederation of East Godavari Consumer Organizations, Kothapet, East Godavari District.

The petitioner sought for certain directions to the Respondents and in particular to the General Insurance Company of India to re-fix the percentage of crop insurance extended to the Karapa Mandal as the respondents have only fixed a extent of 27.02% only as crop insurance amount for the loss of crop sustained due to the cyclonic storm on 6.11.1996. The writ petitioner organization is espousing the cause of its members who are all small and marginal farmers.

It is not in dispute that pursuant to crop insurance scheme, the necessary premium has been paid so as to insure the crops raised. The grievance nurtured by the writ petitioner is that though the Gazette dated 23.11.1996 issued by the District Collector, East Godavari has clearly evidenced the extent of damage of crop in the Mandal due to cyclonic storm on 6.11.1996 as above 75%, however, while making an assessment of loss of crop to make good the same, a percentage of 27.02 only has been assigned for the Mandal. The writ petitioner suspects that there could be an error of judgment in making this assessment inasmuch as compared to the assessments of damage made in the Kakinada Mandal where the crop damage has been assessed as 60.57%, the assessment of damage at 27.02% for Karapa Mandal is very low, though the loss sustained in Karapa Mandal is also of the same degree.

I am afraid that these matters are not capable of being decided with any amount of precision by this Court exercising its jurisdiction under Article 226 of the Constitution. The assessment of damage of crops is undoubtedly an administrative exercise which is carried out by the State Government through various expert agencies, belonging to the Government or belonging to the Insurance Companies. The parameters which go into the matter of assessment could vastly vary. The High Court does not have the expertise even to indulge in any

speculation as to the extent of the damage sustained due to the natural calamities. I therefore find that this writ petition is misconceived and does not deserve consideration or adjudication. However, the grievance nurtured and espoused by the writ petitioner societies is a matter which falls for consideration at the hands of the State Government. The District Collector perhaps is the best agency who will have the assistance of experts either belonging to the Agriculture or Rural Development Department of the Government or he can have the assessment made through the experts available with the respective Insurance Companies. If there is any obvious or arithmetical error committed in the matter of determining the extent of damage to the crops raised in the Karapa Mandal due to the cyclonic storm on 6.11.1996, it is a matter which can be decided by the District Collector. I therefore, consider it appropriate that as and when the writ petitioner takes up this matter with the fourth respondent District Collector, the same be considered and decided on its merits. It is open to the writ petitioner to submit a detailed representation in the matter within the next one month and the same be examined and decided with reference to the material available with the District Collector.

With this, the writ petition stands disposed of.

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NOOTY RAMA MOHANA RAO.J.

7.3.2007
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